

REMARKS

In response to the Final Office Action mailed December 20, 2002, Applicants respectfully request reconsideration. To further the prosecution of this application, each of the objections and rejections made in the Office Action is addressed herein.

Claims 1-5, 8-10, 14-21, 23, 25-27, 29-55, 57-59, 61-93, and 95-107 are pending in this application, of which claims 1, 10, 14, 47, 79, 81 and 84 are independent claims. By this amendment, Applicants have canceled claims 6, 7, 11, 13, 22, 24, 28, 56, 60, and 94, and have amended claims 1, 2, 8-10, 14, 23, 25-27, 29, 32, 37-39, 42, 46, 47, 57-59, 61, 79, 81, 84, 90, 91, 93, 95, 98, and 100-102. Additionally, Applicants have amended the specification and drawings to address issues noted by the Examiner. No new matter is added. The application as now presented is believed to be in allowable condition.

A. Premature Final Rejection

Preliminarily, Applicants respectfully note that, pursuant to MPEP §706.07(a), the finality of the present Office Action is premature. Specifically, MPEP §706.07(a) states that a second or any subsequent action on the merits will not be made final if it includes a rejection on newly cited art (other than information submitted in an information disclosure statement under 37 CFR 1.97(c)) of any claim not amended by the Applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art.

In the present application, claims 3, 12, and 15-20 as pending are claims as originally filed. In the previous Office Action, these claims were rejected over Downing (U.S. Patent No. 5,988,645). In the present Office Action, these claims, which were not amended in response to the previous Office Action, now are rejected over Hyatt (U.S. Patent No. 5,398,041). Hyatt was cited by the Examiner, and was not submitted in an information disclosure statement by the Applicant. In view of the foregoing, the finality of the present Office Action is premature, and Applicants respectfully request that said finality be withdrawn.

B. Amendments to the Drawings and Specification

On page 2 of the Final Office Action, the drawings were objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims. In particular, the Office Action pointed out that a sensing device, a refrigerator having a front panel, a user

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interface device, an audio signal, and a video signal are claimed but not shown in the drawings.

Accordingly, Applicants have added Figs. 3 and 4 to illustrate these features. No new matter is added by Figs. 3 and 4, as each of the elements shown clearly is supported by the specification as filed. In view of the foregoing, the specification has been amended to include references to the new figures 3 and 4.

Additionally, the priority claim in the specification has been amended to clarify the relationship between four provisional applications and at least one of the non-provisional applications to which the present application claims priority as a continuation-in-part. This amendment does not change the substance of the priority claim, but rather merely clarifies the relationship of these applications.

C. Claim rejections under 35 U.S.C. §112

On page 2 of the Office Action, claims 28-31, 60-63 and 94-97 were rejected under 35 U.S.C. §112, first paragraph, because the specification allegedly does not reasonably provide enablement for the recitations in these claims. Applicants respectfully disagree.

Former claim 28 has been canceled herein and the subject matter of this claim incorporated into amended claim 1. Claim 28 recited that an LED-based light source is adapted to output at least first radiation having a first wavelength and second radiation having a second wavelength. Claim 29 recites that a controller is configured to independently control at least a first intensity of the first radiation and a second intensity of the second radiation. Claim 30 recites that the controller is configured to independently control the first and second intensities so as to vary a color of the generated radiation as perceived by an observer. Claim 31 recites that the controller is configured to independently control the first and second intensities so as to vary an overall brightness of the generated radiation as perceived by an observer.

The Office Action concedes that the specification is enabling for an LED-based light source and a controller. However, the Office Action alleges that the specification does not reasonably provide enablement for “first radiation having a first wavelength and second radiation having a second wavelength”, as well as the remaining limitations recited in claims 29-31 (as well as similar limitations recited in claims 60-63 and 94-97). Applicants disagree, and point out that these limitations are supported in the specification, for example, at least on page 8 in lines 5-8.

In particular, this passage, as well as other passages of the specification, describes a light system that may include three different colored LEDs (e.g., red, green, and blue), wherein the three colors are independently controlled through control signals such that the light emitted from the light system can be changed. The first and second radiation referred to, for example, in former claim 28 corresponds to the light respectively emitted by two differently-colored LEDs (e.g., red and green LEDs, red and blue LEDs, green and blue LEDs, etc.). The different first and second wavelengths of this radiation, for example, as recited in former claim 28, more specifically refers to the different colors of the radiation respectively generated by the different LEDs. Applicants respectfully submit that one of ordinary skill in the art would readily appreciate the language used in claims 28-31 as being supported by at least the above-mentioned passage of the specification.

Furthermore, the subject matter of these claims clearly is supported by U.S. Patent No. 6,016, 038, which is incorporated by reference into the present application, as indicated in lines 25-26 on page 3 of the specification. A copy U.S. Patent No. 6,016,038 is enclosed for the Examiner's reference.

In view of the foregoing, the rejections of claims 28-31, 60-63, and 94-97 under 35 U.S.C. §112, first paragraph, should be withdrawn.

D. Allowable Subject Matter

On page 8, the Office Action indicates that claims 28-31, 60-63, and 94-97 recite allowable subject matter. Claim 28 depended from claim 24, which in turn depended from claim 22, which in turn depended from claim 1. Accordingly, claims 22, 24 and 28 have been canceled, and the combined subject matter of these canceled claims has been incorporated into independent claim 1. Accordingly, claim 1, as amended, now is in condition for allowance.

Independent claims 10 and 14 also have been amended to include the combined subject matter of cancelled claims 22, 24, and 28. Therefore, these claims also are in condition for allowance.

Similarly, claim 60 (which depended from claim 56, which in turn depended from independent claim 47), as well as claim 56 have been canceled and the subject matter of these claims incorporated into independent claims 47, 79 and 81. Accordingly, these claims now are in condition for allowance.

Finally, claim 94 has been canceled and the subject matter of this claim has been incorporated into independent claim 84. Accordingly, claim 84 now is in condition for allowance.

In view of the foregoing, since each of Applicants' independent claims now is in condition for allowance, all of the pending dependent claims also are allowable based at least upon their dependency.

Applicants respectfully note that the claims have been amended herein solely to accept subject matter deemed allowable by the Examiner so as to accelerate the issuance of a patent in this application. In particular, Applicants do not concede that the rejections of any of the claims prior to the amendments herein were proper. Accordingly, Applicants reserve the right to file one or more related applications directed to the subject matter of the claims prior to the amendments herein.

E. Claim rejections under 35 U.S.C. §102

Claims 1-11, 13-35, 37-41, 46-67, 69-74 and 79-103 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by various references. As discussed above, each of Applicants independent claims has been amended to include subject matter deemed allowable by the Examiner. Accordingly, the claim rejections under 35 U.S.C. §102(b) now are moot.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below to discuss any outstanding issues related to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted
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